

REMARKS

By this paper, the Applicant has amended Claims 1, 9, 11, 15 and 18. Thus, Claims 1-20 remain pending and are presented for further examination.

I. Discussion of Rejection Under Nonstatutory Double Patenting

In paragraph 2 of the Office action, the Examiner provisionally rejected Claims 1-7 and 9-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of co-pending Application No. 10/029,563. The Examiner noted that this is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented. The Examiner indicated that a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) may be used to overcome an actual or provisional rejection based on the nonstatutory double patenting ground.

Since this rejection is provisional at this time, the Applicant reserves the right to more fully address the Examiner's rejection at a later time, particularly if the prosecution of this and the '563 applications is maintained and the examination of their respective claims has been concluded. At this time, the Applicant intimates no position with respect to the legitimacy of the Examiner's position and, particularly, as to whether Claims 1-7 and 9-20 of this application are patentably distinct from those of the '563 application. Meanwhile, the Applicant requests the Examiner to reconsider the rejection.

II. Discussion of Objection to the Drawings

In paragraph 3 of the Office Action, the Examiner objected to the drawings for "failing to comply with 37 C.F.R. § 1.84(p)(4) because reference character '348' has been used to designate both compensation Table 2 and an A/D converter." *O.A. at p. 3*. The Examiner requested proposed corrected drawings in reply to the Office action. In response to the Examiner's objection, the Applicant has amended the drawings to correct to distinctly identify the different elements in the drawings. Accordingly, the Applicant requests that the objection of the drawings be withdrawn.

III. Discussion of Objection to the Specification

In paragraph 4 of the Office action, the Examiner objected to the specification because the recitations of "A/D 348" and "lookup table 348" should be amended since different elements cannot

use the same reference number "348". Also, the recitation of the "a calibration circuit 338" should be changed to "a calibration circuit 346" in conformance to Figure 3. In response to the Examiner's objection, the Applicant has amended the specification to correct the apparent discrepancies identified by the Examiner. Accordingly, the Applicant requests that the objection of the specification be withdrawn.

IV. Discussion of Rejection of Claims 1, 2, 4 11, 15, 18 and 19 Under § 102(b) and Claim 3 Under § 103(a)

In paragraph 6 of the Office action, the Examiner rejected Claims 1, 2, 4 11, 15, 18, and 19 under 35 U.S.C. § 102(b) as being anticipated by EP 0 905 673 A1 to Kane et al., which published on March 31, 1999. In rejecting independent Claim 1, the Examiner indicated that Kane teaches all of the limitations of the claimed invention. *O.A. at page 4*. In rejecting Claim 3 in paragraph 10 of the Office action, the Examiner stated that Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kane. *Id. at page 6*.

A. The Law of Anticipation

Anticipation under Section 102 can be found only if a reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775 (Fed. Cir. 1985). More particularly, a finding of anticipation requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052 (Fed. Cir. 1994). "To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim." *Brown v. 3M*, 265 F.3d 1349 (Fed. Cir. 2001). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970). The Applicant submits that, in light of the amendments to the claims, Kane fails to teach or suggest all of the limitations of Claims 1, as discussed below.

B. Discussion of Distinctions of the Claims in View of Kane et al. (EP 0 905 673)

In response to the Examiner's rejection, the Applicant has amended Claim 1 by clarifying that the claimed invention is a device comprising a calibration unit configured to generate data in the voltage correction table, said voltage data being derived based, at least in part, on a plurality of reference currents. The Applicant submits that the cited prior art fails to teach or suggest all of the limitations of Claim 1, as amended.

Kane describes an LED or OLED pixel structure and method of improving brightness uniformity by reducing current nonuniformities in the LED. *Kane at col. 2, para. 0011*. In initializing the display, Kane describes applying two data voltages (V1 and V2), and measuring the current for each data voltage. *Id. at col. 19, para 0096*. As implied by the Examiner in connection with the rejection of Claim 3, Kane does *not* teach applying a plurality of reference currents to an OLED. *O.A. at page 6*. More particularly, Kane fails to teach or suggest voltage data being derived based, at least in part, on a plurality of reference currents, as recited in Claim 1. Further, it would not have been obvious to one of ordinary skill in the art to modify the teachings of Kane and recognize all of the limitations of Claim 1.

Since Claims 1, 11, 15 and 18 have been amended to include at least one of the patentable features of Claim 1 discussed above, the Applicant submits that those claims are also patentable. Since each of Claims 2, 4, and 19 depends either directly or indirectly on one of Claims 1 and 18, the Applicant submits that those claims are also allowable. Accordingly, the Applicant requests that the rejection of Claims 1, 2, 4, 11, 15, 18, and 19 in view of Kane be withdrawn.

V. Discussion of Rejection of Claims 1, 6, 11, 13, 15, 18 and 19 Under 35 U.S.C. § 102(e) in View of Fan

In paragraph 8 of the Office action, the Examiner rejected Claims 1, 6, 11, 13, 15, 18 and 19 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,473,065 to Fan. In rejecting independent Claims 1, 11, 15, and 18, the Examiner indicated that Fan teaches all of the limitations of the claimed invention. *O.A. at page 5*.

The Applicant has amended Claim 1 by clarifying that the claimed invention is a device comprising a calibration unit configured to generate data in the voltage correction table, said voltage data being derived based, at least in part, on a plurality of reference currents. The Applicant submits that the cited prior art fails to teach or suggest all of the limitations of Claim 1, as amended.

Fan describes a method of providing uniform display properties for OLEDs to compensate for inevitable variations of each OLED element. *Fan at col. 2, ll. 6-9*. To achieve this, a calibration memory 70 is provided to store calibration parameters for any give OLED element as a look-up table. *Id. at col. 2, ll. 18-35*. Correct driving voltages are calculated by using linear approximation for each OLED element, which are used as calibration parameters directly and stored in the calibration memory 70. *Id. at col. 6, ll. 15-25*. Thus, in determining the voltage data for calibration, Fan discloses that the voltage data is derived using linear approximation. *Id.* Nowhere does Fan teach or suggest that the voltage data is derived based, at least in part, on a plurality of reference currents, as recited in Claim 1. Further, it would not have been obvious to one of ordinary skill in the art to modify the teachings of Fan and recognize all of the limitations of Claim 1. Thus, the rejection of Claim 1 should be withdrawn.

Since Claims 1, 11, 15 and 18 have been amended to include at least one of the patentable features of Claim 1 discussed above, the Applicant submits that those claims are also patentable. Since each of Claims 6, 13, and 19 depends either directly or indirectly on one of Claims 1, 11 and 18, the Applicant submits that those claims are also allowable. Accordingly, the Applicant requests that the rejection of Claims 1, 6, 11, 13, 15, 18, and 19 in view of Fan be withdrawn.

VI. Discussion of Rejection of Claims 1 and 5 Under 35 U.S.C. § 103(a) in View of Silvestre et al. (WO 01/27910)

In paragraph 11 of the Office action, the Examiner rejected Claims 1 and 5 under 35 U.S.C. § 103(a) as being unpatentable over International Publication No. WO 01/27910 to Silvestre et al.

The Applicant submits that the Examiner's rejection of Claims 1 and 5 is improper, because Silvestre does not constitute prior art under § 102(e). To be qualify under § 102(e), the "international application ... shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States". *See 35 U.S.C. § 102(e)*. The Applicant submits that Silvestre failed to, and the Examiner did not show that Silvestre did, designate the United States. *See Silvestre at Front Page, para (81)*. Thus, Silvestre does not qualify as prior art under § 102(e) and, consequently, § 103(a). Therefore, the Applicant submits that it is not necessary to address the merits of the Examiner's rejection of any claim based on Silvestre. Accordingly, the Applicant requests that the rejection of Claims 1 and 5 be withdrawn.

VII. Discussion of Rejection of Claims 1, 6, 7, 9-13, 18 and 20 in View of Takahashi (USPN 5,708,452) and Kuga (USPN 5,703,608)

In paragraph 12, the Examiner rejected Claims 1, 6, 7, 9-13, 18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,708,452 to Takahashi in view of U.S. Patent No. 5,703,608. The Examiner noted that "Takahashi teaches a passive matrix of LED display comprising a voltage correction circuit (Brightness adjusting circuit); a calibration unit (3, 4 and brightness adjusting circuit) for generating data in the voltage correction table; and a driver (4) for applying the correcting voltage to light emitting diodes (see figures 3-4 and column 3, lines 20-56)." *O.A. at page 7*. Kuga, the Examiner noted, teaches a display apparatus having a driver (207) with two capacitors (15, 16) alternatively connected to a signal line (3). *Id.* The Examiner argued that it "would have been obvious to have modified Takahashi et al. with the teaching of Kuga, since they both have sample and hold [sic] circuit (see Takahashi's figure 3 and Kuga's figure 9) and Takahashi et al as modified could provide a display apparatus having a high image quality and a high reliability with a simple structure (see Kuga's column 3, lines 57-68)." *Id.*

A. The Law of Obviousness

To establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation to combine the reference teachings, (2) there must be a reasonable expectation of success, and (3) the references when combined must teach or suggest all of the claim limitations. *See M.P.E.P. § 2143*. It is well settled that "a showing of a suggestion, teaching or motivation to combine the prior art references is an 'essential component of an obviousness holding'." *See, e.g., Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 U.S.P.Q.2d 1456, 1459 (Fed. Cir. 2000). The Examiner can satisfy the burden of showing obviousness of the combination "only by showing some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Fitch*, 972 F.2d 1260, 1265, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). "Determination of obviousness cannot be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention." *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 546 (Fed. Cir. 1998).

B. Neither Takahashi nor Kuga, Alone or in Combination, Teaches the Invention of Claims 1, 6, 7, 9-13, 18 and 20

As noted above, the Applicant has amended Claim 1 by clarifying that the claimed invention is a device comprising a calibration unit configured to generate data in the voltage correction table, said voltage data being derived based, at least in part, on a plurality of reference currents. The Applicant submits that the cited prior art fails to teach or suggest all of the limitations of Claim 1, as amended. More particularly, neither Takahashi nor Kuga, either alone or in combination, teaches or suggests voltage data being derived based, at least in part, on a plurality of reference currents, as recited in Claim 1. Thus, the combination of Takahashi and Kuga fails to teach or suggests all of the limitations of Claim 1. Further, it would not have been obvious to one of ordinary skill in the art to modify the teachings of Takahashi or Kuga and recognize all of the limitations of Claim 1.

Since each of independent Claims 9, 11, and 18 includes at least one of the patentable features of Claim 1 discussed above, the Applicant submits that those independent claims are also allowable. Since each of Claims 6, 7, 10-12, and 20 depends either directly or indirectly on one of Claims 1, 9, and 18, the Applicant submits that those claims are also allowable. Accordingly, the Applicant requests that the rejection of Claims 1, 6, 7, 9-13, 18 and 20 in view of Takahashi and Kuga be withdrawn.

VIII. CONCLUSION

Applicant has endeavored to address all of the Examiner's concerns as expressed in the Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are made in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the clarity of the claims to particularly and distinctly point out the invention to those of skill in the art. Finally, Applicant submits that the claim limitations above represent only illustrative distinctions. Hence, there may be other patentable features that distinguish the claimed invention from the prior art.

The Examiner is reminded that "whenever, on examination, any claim for a patent is rejected, or any objection ... made, notification of the reasons for rejection and/or objection together with such information and references as may be useful in judging the propriety of continuing the

Appl. No. 10/029,605
Amdt. Dated May 17, 2004
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The Examiner is reminded that "whenever, on examination, any claim for a patent is rejected, or any objection ... made, notification of the reasons for rejection and/or objection together with such information and references as may be useful in judging the propriety of continuing the prosecution (35 U.S.C. 132) should be given." *M.P.E.P.* § 707. Thus, if the Examiner wishes to sustain the rejection of the claims based on the same reference(s), the Examiner is requested to "clearly articulate any rejection early in the prosecution process so the applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the earliest opportunity." *See M.P.E.P.* § 706. For instance, the Applicant did not find where and why is Claim 14 rejected. The Applicant submits that Claim 14 is patentable. The Examiner is requested to provide the Applicant with specific citations to the reference(s) and to explain where and how the reference(s) anticipates or renders obvious each rejected claim.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and, particularly, that all claims be allowed. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully invited to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,
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